

# MANDATE

S.D.N.Y. - NYC  
07-cv-3037  
Preska, J.

## United States Court of Appeals FOR THE SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, in the City of New York, on the 11<sup>th</sup> day of April, two thousand eight,

Present:

Hon. José A. Cabranes,  
Hon. Sonia Sotomayor,  
Hon. Richard C. Wesley,  
*Circuit Judges.*

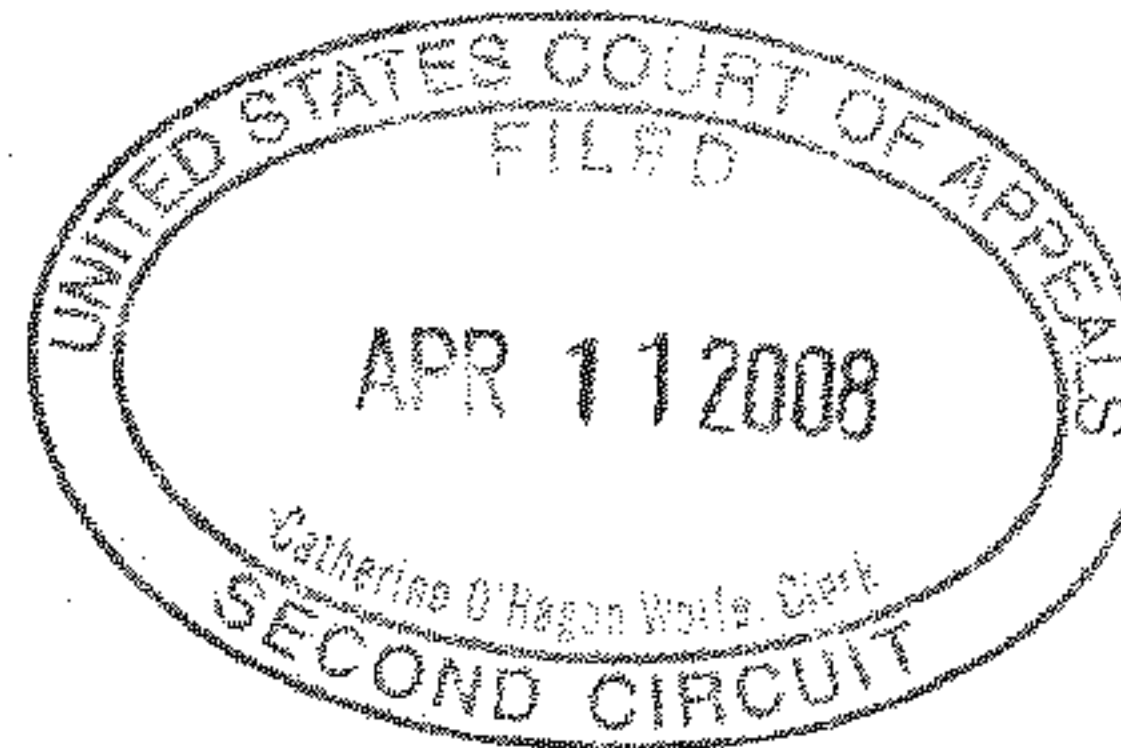
Franklin S. Wilson,

*Plaintiff-Appellant,*

v.

Exxon,

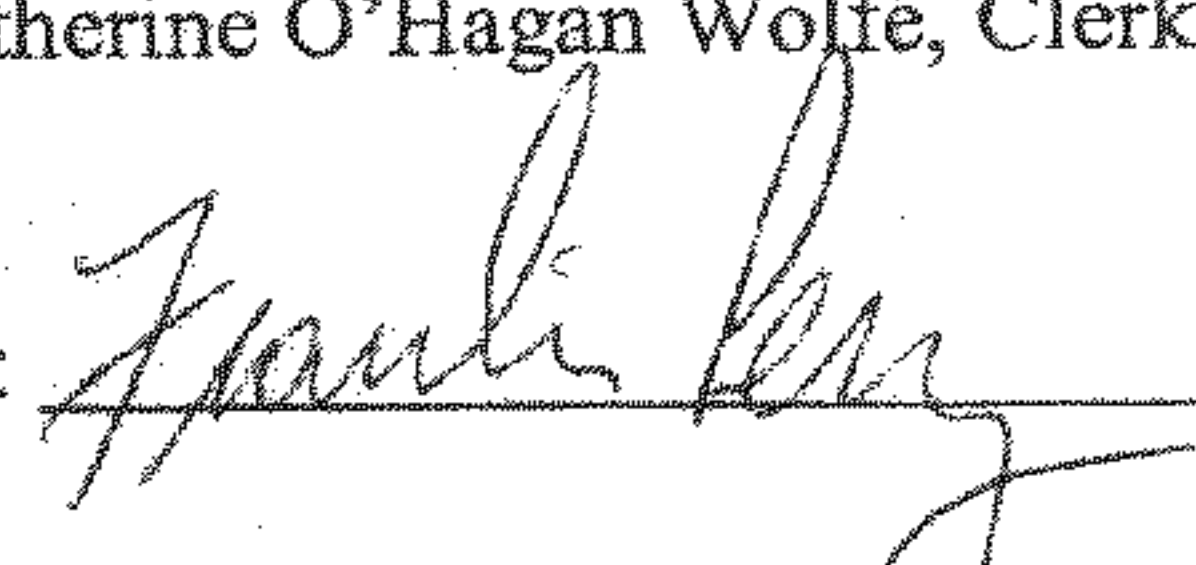
*Defendant-Appellee.*



08-0784-cv

Appellant, *pro se*, moves for leave to proceed *in forma pauperis*. However, this Court has determined *sua sponte* that the notice of appeal was untimely filed. Upon due consideration, it is hereby ORDERED that the appeal is DISMISSED for lack of jurisdiction. See Fed. R. App. P. 4(a)(1); *Bowles v. Russell*, \_\_\_ U.S. \_\_\_, 127 S.Ct. 2360, 2366 (2007). This Court may not extend the time for Appellant to file a notice of appeal. See Fed. R. App. P. 4(a)(5)-(6) and 26(b). It is further ORDERED that Appellant's motion is DENIED as moot.

FOR THE COURT:  
Catherine O'Hagan Wolfe, Clerk

By: 

SAO-JW

A TRUE COPY  
Catherine O'Hagan Wolfe, Clerk

by   
DEPUTY CLERK

Mandated: 5/22/08